

REMARKS

Applicant respectfully requests reconsideration of the present application.

CLAIMS STATUS

Applicants have canceled claims 21 and 23-24 without prejudice or disclaimer. Applicants reserve a right to file one or more continuation applications directed to the subject matter of the canceled claims.

Applicants have amended claims 20, 22 and 31, without prejudice or disclaimer, to present the invention in a clearer manner. Applicants reserve a right to file one or more continuation applications directed to the subject matter omitted by the present amendment. Support for the amended claims may be found throughout the specification as filed and, in particular, for the amended claim 20 in the canceled claims 23 and 24; for the amended claim 22 on page 8, lines 22-24, and for the amended claim 31 on pages 11-12. No new matter has been added.

Applicants have introduced new claims 34-37. Support for the new claims may be found throughout the specification as filed and, in particular, for claims 34-35 on page 8, lines 17-18; for claim 36 on page 8, lines 6-9, and for claim 37 in Examples 1-2 and 5-9. No new matter has been added.

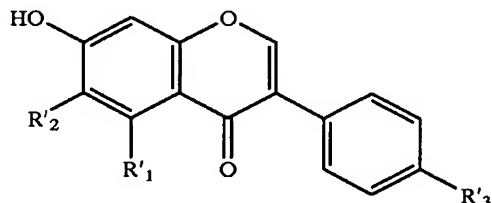
After the amendment, pending claims include examined claims 20, 22, 25-26 and 31 as well as new claims 34-37 and withdrawn claims 27-30 and 32-33.

REJECTION UNDER 35 U.S.C. §112 ¶2

Claims 20-26 and 31 stand rejected as indefinite. Applicants believe that the present amendment obviates the rejection. Accordingly, Applicants respectfully request withdrawal of the rejection.

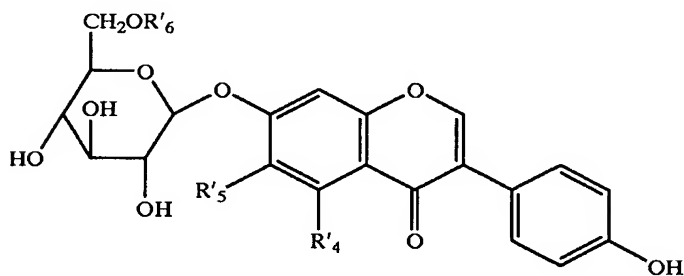
Applicants respectfully submit that an isoflavone in an aglycone form is distinguishable from an isoflavone in a glycosylated form, contrary to the assertion on page 3

of the Office Action. On page 5, lines 20-25, the specification as filed defines an isoflavone in an aglycone form as having the following formula:



in which R'1 represents a hydrogen atom or a hydroxyl group, R'2 represents a hydrogen atom or a methoxy group and R'3 represents a hydroxyl group.

At the same time, on page 5, line 35 through page 6, line 5, the specification defines an isoflavone in a glycosylated form as follows:



, where R'4 represents a hydrogen atom or a hydroxyl group, R'5 represents a hydrogen atom or a methoxy group and R'6 represents a hydrogen atom.

REJECTION UNDER 35 U.S.C. §102(b)

Claims 20-26 stand rejected as anticipated by EP 829,261 (the '261 publication). Applicants respectfully traverse.

Applicants respectfully submit that the '261 publication does not teach at least one element of the claimed invention. For example, the '261 publication does not teach applying topically to a skin of a patient in need thereof a composition comprising one or more

isoflavones in an aglycone or glycosylated form. Applicants respectfully submit that one of ordinary skill in the art would have recognized an obvious typographical error in the phrase “percutaneous administration (application onto skins)” on page 2, line 58, of the ‘261 publication and would have read that phrase as “percutaneous administration (application through the skin)” based on the only known meaning of the term “percutaneous”. For the meaning of the term “percutaneous”, Applicants refer the PTO to any English language dictionary including Merriam-Webster’s Collegiate Dictionary, Tenth Edition, which provides only one meaning for the term “percutaneous” and this meaning is “effected or performed through the skin”. Applicants further submit that the obvious typographical error in the quoted phrase would have been instantly recognized and corrected in the mind of one of ordinary skill in the art as follows: “percutaneous administration (application ~~onto~~ through skins).”

In sum, because the ‘261 publication does not teach all the elements of the claimed invention, Applicants request withdrawal of the rejection.

Applicants further submit that claims 20-26 are not obvious over the ‘261 publication because the ‘261 publication does not provide any suggestion or motivation to apply the composition comprising one or more isoflavones in an aglycone or glycosylated form topically.

REJECTION UNDER 35 U.S.C. §103(a)

Claim 31 stands rejected as obvious over EP 829,261 (the ‘261 publication) in view of Di Pierro (US 2004/0151786) and Mazur et al. (Nutritional Biochemistry, p. 193-200, 1998). Applicants respectfully traverse.

Applicants discussed deficiencies of the ‘261 publication above. Applicants respectfully submit that Di Pierro and Mazur, taken alone or in combination, do not cure the discussed above deficiencies of the ‘261 patent. Accordingly, because no *prima facie* obviousness is established, Applicants request withdrawal of the rejection.

Applicants further submit that claim 31 is also patentable because none of the cited references teaches applying topically to a skin of a patient in need thereof a composition comprising one or more isoflavones in an aglycone or glycosylated form, an extract of *Sophora japonica* flowers and an extract of *Centella asiatica*. Applicants respectfully submit that *Sophora japonica* in Mazur refers to an extract of *Sophora japonica* seeds and not an extract of *Sophora japonica* flowers required by claim 31. In conclusion, because the combination of the '261 publication, Di Pierro and Mazur does not teach all the elements of claim 31, no *prima facie* obviousness is established. Accordingly, for this reason alone, Applicants request withdrawal of the rejection.

NEW CLAIMS 34-37

New claims 34-37 are patentable as dependent on patentable claim 20. In addition, new claims 34-37 are patentable for the following reasons.

Claim 34 is patentable because none of the cited references, taken alone or in any combination, teaches or suggests applying topically to a skin of a patient in need thereof a composition comprising from 0.01% to 10 % by weight of one or more isoflavones in an aglycone or glycosylated form as recited by claim 34.

Claims 35 is patentable because none of the cited references, taken alone or in any combination, teaches or suggests applying topically to a skin of a patient in need thereof a composition comprising from 0.1% to 3 % by weight of one or more isoflavones in an aglycone or glycosylated form as recited by claim 35.

Claim 36 is patentable because none of the cited references, taken alone or in any combination, teaches or suggests applying topically to a skin of a patient in need thereof a composition containing from 0.0085% to 8.5% of genistein by weight as recited by claim 36.

Claim 37 is patentable because none of the cited references, taken alone or in any combination, teaches or suggests applying topically to a skin of a patient in need thereof a composition a composition comprising genistein, an extract of *Sophora japonica* flowers, an extract of *Centella asiatica*, and an extract of *Entomorpha compressa* as recited by claim 37.

CONCLUSION

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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